

**Alexandria Township
Land Use Board
Meeting Minutes September 20, 2018**

Chair Phil Rochelle called the regular scheduled meeting of the Alexandria Township Land Use Board to Order at 7:33 pm. The meeting was duly noticed.

MEMBERS PRESENT: Chair Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Daniello, Kimsey, Hahola, Pauch

MEMBERS ABSENT: None

PROFESSIONALS PRESENT: Bill Gianos, David Banisch

OTHER ATTENDEES: Guy Desapio, Esq., William Pandos, Esq.,
Two members of the public were present.

A motion to approve the minutes of August 7, 2018 Meeting Minutes was made by **Papazian** and seconded by **Committeeman Pfefferle**. **Vote: Ayes: Chairman Rochelle, Papazian, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Daniello and Kimsey. Abstain: Pauch and Hahola. No Nays. Motion carried.**

Old Business

Frenchtown Care Home

Blk 18 Lot 39

Application number 2018-3

117 Route 513

Land Use Board attorney **Gianos** reviewed certain aspects of the resolution to the Board. With the exception of change to a grammatical error, the Board made a motion to accept the resolution. Motion made by **Mayor Garay** and seconded by **Papazian**. **Ayes, Chairman Rochelle, Papazian, Fritsche, Freedman, Canavan, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Daniello, Kimsey. Abstain: Pauch and Hahola. No Nays.**

APPLICATION #2018-08

RESOLUTION OF ALEXANDRIA TOWNSHIP LAND USE BOARD

FOR INTERPRETATION OF ZONING ORDINANCE, MINOR SITE PLAN AND BULK
VARIANCES

Applicant: Frenchtown Care Home, Inc.

Property: Block 18, Lot 39
E-AR-AH Elderly Agricultural Residential Affordable
Overlay District
117 County Route 513

WHEREAS, Frenchtown Care Home, Inc. ("Applicant") has applied to the Alexandria Township Land Use Board ("Board") for an interpretation of a portion of the zoning ordinance, minor site plan approval, bulk variances and checklist waivers for property known as Block 18, Lot 39, in the E-AR-AH Zone for property having a street address of 117 County Route 513; and

WHEREAS, Applicant sought the following relief:

1. Interpretation of the Alexandria Township Zoning Ordinances pursuant to N.J.S.A.40:55D-70 of section 115-22.B.(13) of the Township zoning ordinances to determine whether the Applicant's proposed use was an allowed use in the zone.
2. Checklist waivers for the zoning interpretation from the necessity of the location of well and a building rendering and for site plan and variance waivers of items A-1, A-2, A-4, A-5, A-6, A-10, A-16, A-22 and A-24 (temporary waivers).
3. Minor site plan approval.
4. Variances for:
 - a) Facility utilizing a septic system where 40 residents are anticipated and the ordinance allows only 15 residents if the site is serviced by a septic system as required by Section 115-22.B.(13)(a).
 - b) Partial variance for screening required from view from adjacent residential zones pursuant to the requirement of Section 115-22.B.(13)(b).

5. Minimum lot area where the ordinance requires five acres and the existing lot is 2.36 acres.
6. Minimum front yard setback where the ordinance requires 75 feet and 66.45 feet is proposed.
7. Minimum side yard setback where the ordinance requires 40 feet and 14.8 feet is proposed.
8. Minimum building setback to internal roadway where 15 feet is required and less than 15 feet is existing.
9. Parking setback from property line where five feet is required by ordinance and 0 feet is proposed.
10. Parking setback from public street where 25 feet is required by ordinance and 6.4 feet is proposed.
11. Number of parking spaces where 20 spaces are required by the RSIS and 14 spaces are proposed.
12. Parking stall size where 10 feet by 18 feet is required by ordinance and 9 feet by 20 feet exists.
13. Drive aisle width where 24 feet is required by ordinance and the current drive aisle is of varying dimensions of less than 24 feet.
14. Variance from Section 115-22.B.(20)4 where public water is required and the property is serviced by a private well.
15. Variance from Section 115-22.B.(20)5 where public sewer is required and the subject property is serviced by a septic system.
16. Variance from Section 115-22.B.(20)9 where a 25 foot landscaped buffer to the property line is required and the Applicant cannot comply based on existing conditions.
17. Variance from Section 115-22.B.(20)12.(e) requiring a statement setting forth in full the detail of all particulars of the building use.
18. Variance from Section 115-22.B.(20)12.(f) requiring a comprehensive traffic study.

19. Variance from Section 115-22.B.(20)12.(g) requiring that the facility must be licensed and approved by the New Jersey Department of Health and Senior Services. The Applicant's approval is from the New Jersey Division of Community Affairs for Residential Health Care and there was a question as to whether the Department of Community Affairs had taken over from the New Jersey Department of Health and Senior Services but a variance was requested.

WHEREAS, a completeness hearing held on June 21, 2018, at which time the requested checklist waivers were granted and the matter was deemed complete and the application was the subject of a public hearing on August 7, 2018. The Applicant was represented in this matter by Guy DeSapio, Esq. of Frenchtown, New Jersey. Myla Dizon, an officer of the corporation and shareholder presented testimony and Wayne J. Ingram, P.E., P.P., L.S. of the firm of Engineering and Land Planning Associates appeared as the Applicant's Engineer/Planner and Land Surveyor. Members of the public were also present at the hearing and asked questions and made comments regarding the application; and

WHEREAS, the following exhibits were presented and marked into evidence:

A-1 Notice, 200-foot list, proof of publication, proof of mailing; and

WHEREAS, all jurisdictional requirements have been satisfied; and

WHEREAS, the Board having heard from the Township's professionals with respect to the application and having heard from the Applicants, witnesses and from the public with respect to the application, the Board hereby makes the following Findings of Fact and Conclusions of Law:

1. The Board has jurisdiction to proceed.
2. The Applicant seeks to reopen the Valleyview Healthcare Center as a Residential HealthCare Facility. The site was rezoned by the Township in Ordinance #2018-04 to address the affordable housing obligations and to permit age restricted housing in facilities including independent living units, assisted living units, hospice care and adult daycare. Affordable housing is required in connection with the independent living and assisted living units permitted in the zoning ordinance. Applicant proposes to reopen to the facility as a 40-bed Residential Health Care Facility for 40 residents. Applicant requested an interpretation of the zoning ordinance to determine whether the residential healthcare center use is consistent with and permitted by the ordinance commonly known as the B-13 assisted living and congregate care facility use which is allowed in the E-AR-AH zone.
3. Testimony at the hearing indicated that the Applicant conformed with the 13 enumerated basic services required to be classified as an assisted living facility in accordance with 115-22.B(20)12.d(d). The Applicant's testimony indicated that

the proposed use will provide assistance with eating, bathing and dressing (limited), assistance with arranging transportation, assistance with personal and household chores, housekeeping and linen service, dining facilities, food preparation and the availability of three meals a day in a congregate setting, organized social and indoor and outdoor recreational activities, medication reminders and supervision, monitoring of nutrition and health, protective supervision, 24-hour response to emergency medical service and needs of residence, service coordination and management, entertainment and physical therapy. There will be a total of 7 employees, including one (1) staff person per 8 residents during the day and 2 employees on site monitoring the facility overnight. A nurse will visit the site weekly to obtain residents' vitals and basic health information that will be conveyed to residents' doctors. In addition, the ordinance requires that the facility must be licensed and approved by the New Jersey Department of Health and Senior Services. Testimony indicated that the licenses that the Applicant has obtained were obtained from the New Jersey Department of Community Affairs and believes that the New Jersey Department of Community Affairs took over the jurisdiction in this regard from the New Jersey Department of Health and Senior Services for Residential Health Care Facilities. In addition, in order to meet the standards of the ordinance the facility must be restricted to persons 62 years of age or older. Testimony at the hearing indicated that residents would be 62 years of age or over and that the average age of residents in other facilities owned by the Applicant appears to be 65 years of age. A Deed restriction was offered by the Applicant in this regard. The ordinance further requires that all 40 residents shall be low and moderate-income persons as defined by the New Jersey Fair Housing Act and the testimony indicated that all residents would conform to income qualifications as low- and moderate-income persons. As a result of the Applicant's testimony the Board interpreted the use proposed by the Applicant as meeting the standards necessary to classify the use as an assisted living and congregate care facility under the Alexandria Township Ordinance.

4. The Applicant's Engineer and Planner testified regarding the currently existing site and the minor change proposed to the site including striping of the parking lot, renovation and improvement of lighting and landscaping at the site, change of traffic flow and installation of a dumpster enclosure. In addition, the Applicant's professional testified that the Hunterdon County Planning Board requires a dedication of a 40-foot right of way across the front of the property which will eliminate six of the currently existing 20 parking spaces resulting in 14 parking spaces remaining and available for use. Testimony was heard indicating that the other facilities operated by the Applicant operate with as few as three parking spaces and that most of the residents do not have cars nor visitors and that fourteen parking spaces will be more than adequate for the employees of the facility which would number four to five employees during the day and two employees in the evening. In addition, transportation for the residents is arranged through vans which are provided by the operations to which the residents are taken during the day.

5. Testimony was heard regarding the two wells located on the property and the septic system which exists on the premises. The septic system is going to be tested and evaluated by a professional engineer and a commercial septic inspection firm. The Board required and the Applicant agreed that in addition to certification of the system's viability from the Hunterdon County Health Department, the Township Engineer would inspect and review the testing and monitoring of the septic system on the site. This does not preclude the applicant from obtaining approval to connect to the Frenchtown Sewer System.
6. The site is a previously existing site and therefore many of the existing developed conditions do not meet zoning ordinance requirements thereby requiring variances for pre-existing conditions. The Board finds that there is an extraordinary and exceptional situation uniquely affecting the specific piece of property and if the zoning regulations were strictly applied this would result in peculiar and exceptional difficulties and exceptional and undue hardships upon the Applicant. The Board finds through the testimony of the Applicant and the nature of the services to be provided that the purposes of the municipal land use law would be advanced by a deviation from the ordinance required and that the benefits of these deviations would substantially outweigh any detriments. The Board also finds that the requested variances can be approved without substantial detriment to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance since it is an allowed use in the zone. In addition, the conditions imposed surrounding the septic system will reduce or eliminate any detriment to the surrounding properties. In addition, the removal of abandoned structures on contiguous lots also owned by the Applicant will benefit the neighborhood and surrounding residents. The improvements to the site including the improvements to the lighting and landscaping will be a benefit to the surrounding properties. The inherently beneficial nature of the proposed use is also a substantial benefit to the municipality as it promotes the public health, safety and general welfare and provides housing for low- and moderate-income persons.

NOW, THEREFORE, BE IT RESOLVED BY THE ALEXANDRIA TOWNSHIP LAND USE BOARD, COUNTY OF HUNTERDON, STATE OF NEW JERSEY that the Board finds that the use is a use permitted in the zone and the Board hereby grants the requested minor site plan and the variances previously enumerated in this Resolution subject to the following conditions:

1. Applicant shall seek and obtain any and all outside agency approvals necessary in conjunction with the project.
2. All escrows and fees payable to the Board and municipality as a result of the Application and construction of the facility shall be maintained at positive levels.

3. A Deed restriction shall be prepared by the Applicant and reviewed by the Applicable Board professionals to ensure that the units shall only be occupied by low to moderate income persons as defined by the New Jersey Fair Housing Act. Residents will be qualified in accordance with acceptable State regulations and standards for the qualification and placement of low- and moderate-income persons in the facility, which shall be undertaken in accordance with State standards for housing placement of residents in the Residential Health Care Facility. The building is to be refreshed and brought up to code. All trash is to be removed and the landscaping is to be refreshed. At such time as the Hunterdon County Prosecutor's Office and the insurance investigators are concluded in their investigations the structures on adjoining Block 18, Lot 41 are to be removed within a reasonable time thereafter (no longer than one year after the conclusion of the investigations). A site inspection will be conducted by the Board's Planner and/or Engineer once the maintenance and refreshment of the building and subject site is complete so as to determine that adequate buffering and screening is in place.
4. An in-service lighting inspection shall be conducted by the applicable Board's professionals once the lighting has been modified and installed.
5. The septic system be tested and evaluated by a professional engineer and a commercial septic inspection firm. In addition to certification of the system's viability from the Hunterdon County Health Department, the Township Engineer would inspect and review the testing and monitoring of the septic system on the site."
6. All plans are to be revised to the satisfaction of the Board Engineer and Planner per testimony given at the hearing.

I hereby certify that this Resolution was adopted by the Alexandria Land Use Board of the Township of Alexandria at a meeting held on September 20th, 2018 by a vote of 11 for 0 against and 2 abstentions.

Leigh Gronau, Secretary Alexandria Township Land Use Board

Date adopted: September 20, 2018

**Peacefield Management Group, LLC
Ortho-McNeil Pharmaceutical, LLC
Blk 15 Lot 10
Application Number
681 County Road 513**

Chair Rochelle introduced the next item on the agenda is Peacefield Management Group. Aram Papazian and Dennis Canavan recused themselves from the Board at this time. **William Pandos**, attorney appearing on behalf of the applicant, Peacefield Management Group, stated a Resolution was passed in 2015 for the property to be split into five parcels for agricultural use. Since the adoption of the resolution, they have reduced the number of lots from five to four, the State Agricultural Development Committee is requiring that Peacefield management Group appears before the Board for an amendment to the Resolution showing the reduction in the number of lots.

Gianos advised that once the Board finds that the division of land is for agricultural purposes, the Board has no real jurisdiction. The applicant asked for a Resolution in 2015, and one was given with the finding of fact that it was for agricultural purposes. However, since this Resolution was originally completed before the Board, the County advised the owner that they need to come before the Board for a Resolution to approve the lot reduction from five to four. **Gianos** advised that the applicant is going to deed restrict the properties to be solely used for agricultural purposes with a home. **Aram Papazian**, General Manager – Peacefield Management Group, LLC, advised for the record that the reason why they need to go from five lots to four is because the county wanted the lot lines to follow the natural geography of the land; originally the map shows property lines that would go halfway through a field. Discussion ensued regarding other aspects for zoning and conditions of use; however this is not the Boards jurisdiction because it is for agricultural uses.

The Board made a motion to accept the Resolution 2018-09 with amendments. Motion was made by **Tucker** and seconded by **Kimsey**; **Ayes: Chair Rochelle, Fritsche, Freedman, Tucker, Mayor Garay, Committeeman Pfefferle, Giannone, Pauch, Daniello, Kimsey.** Abstain; Papazian, Canavan. No Nays.

RESOLUTION #2018- 09

RESOLUTION OF THE ALEXANDRIA TOWNSHIP LAND USE BOARD

APPLICATION OF PEACEFIELD MANAGEMENT GROUP LLC FOR DETERMINATION OF AGRICULTURAL DIVISION OF LAND

Applicant:	Peacefield Management Group, LLC
Owner:	Ortho-McNeil Pharmaceutical, LLC
Property:	Block 15, Lot 10, Alexandria Township
Address:	Property commonly known as 681 County Road 513

WHEREAS, Peacefield Management Group, LLC (“Applicant”) is the Contract Purchaser of property known as Block 15, Lot 10, Alexandria Township, Hunterdon County, which is owned by Ortho-McNeil Pharmaceutical, LLC (“Owner”), and contains approximately 315 acres; and

WHEREAS, the Applicant previously applied to the Alexandria Township Planning Board (“Board”) for a determination that a proposed division of lands known as Block 15, Lot 10 into five (5) lots, did not fall under the definition of “subdivision” in the Municipal Land Use Law pursuant to N.J.S.A. 40:55D-7(1) and, therefore, no subdivision application should have been required for the division of the aforesaid property; and

WHEREAS, the previous Board did take testimony concerning the proposed division of the land, and did make a finding based upon the evidence produced that the proposed division of land did not require a subdivision application or subdivision approval, as the division met the criteria of agricultural division of lands provided for in N.J.S.A. 40:55D-7 and as defined at Section 115-4 of the Alexandria Township Land Use Ordinance; and

WHEREAS, the previous division of lands as presented by the Applicant was for five (5) agricultural lots with some proposed exception areas for use as single-family homes appurtenant to each agricultural-use lot; and

WHEREAS, subsequent to the approval granted by the Board on March 19, 2015 (the “Prior Approval”), the Applicant and Owner made application to the County of Hunterdon and to the State Agricultural Development Committee (“SADC”) to convey the development rights to the County of Hunterdon pursuant to the New Jersey Agricultural Retention and Development Program so that the lands are required to be used for agricultural purposes with certain exception areas; and

WHEREAS, said request was granted by the SADC and the County of Hunterdon with the stipulation that the number of lots will be reduced from five (5) to four (4); and

WHEREAS, Owner will be conveying the development rights pursuant to four (4) Deeds of Easement State of New Jersey Agricultural Retention and Development Program (the “Deeds

of Easement”) to the County of Hunterdon to restrict the entire property for agricultural use, excepting therefrom certain exception areas as designated on the division map and to be more particularly described in the Deeds of Easement (the “Exception Areas”); and

WHEREAS, the Applicant has testified that the map may contain slight deviations with reference to dimensions or Exception Areas as a result of final approval by the SADC and the County of Hunterdon; and

WHEREAS, the new 4-lot division was presented to the Land Use Board pursuant to Exhibit B, which contained lots averaging between 75 acres and 81 acres; and

WHEREAS, the Applicant is appearing now for the purpose of the Land Use Board to acknowledge that the previous division of five (5) lots has now been reduced to four (4) pursuant to Exhibit B; and

WHEREAS, the Land Use Board has determined that the proposed 4-lot division meets the qualifications for an agricultural division of land, *i.e.* (a) each lot is in excess of five (5) acres; (b) no new streets are being created; and (c) the purpose of this division is for agricultural uses.

NOW, THEREFORE, BE IT RESOLVED by the Land Use Board of the Township of Alexandria, County of Hunterdon, State of New Jersey, that the application of Peacefield Management Group, LLC for a determination that the amended division plan containing four (4) lots complies and conforms with an agricultural division of lands, and that a formal subdivision application is not required pursuant to the following terms and conditions:

1. All taxes, fees, assessments, escrows, and other monies due to the Township of Alexandria shall be paid in full.
2. This Resolution supersedes the Prior Approval.

I HEREBY CERTIFY that this Resolution was adopted by the Land Use Board of the Township of Alexandria at a meeting held on September 20, 2018, by a vote of 10 For; and 0 Against; with 3 Abstentions.

Leigh Gronau, Secretary
Alexandria Land Use Board

Date Adopted: September 20, 2018

Approval of the Bills

A motion was made to approve the bills for services by Gianos, Banisch and Van Cleef Engineering by **Kimsey** and seconded by **Daniello**. **All Ayes, No Nays.**

Comments from the Board/Public

As a follow up to the last board meeting regarding special events, **Mayor Garay** advised that she would like to form an ad-hoc committee to discuss how the township would like to move forward regarding special events. The committee would be **Canavan, Tucker, Daniello, and Pauch**, with possibly other committee members rotating in. The committee would like to have input from interested parties from the Township. Planner **Banisch** distributed a memo and ordinances from other municipalities for guideline purposes. **Banisch** advised the board that other municipalities have added special events to conditional uses depending upon the zoning and the possibility of using temporary special event permits. Discussion ensued regarding special events and how the township would like to handle them.

Richard Eisenman, 15 Kelsey Farm Rd, Milford asked to speak to the board regarding a property he is in contract to purchase in Alexandria Township. **Gianos** advised the boards that due to the nature of the questions regarding permitted use, he would need to submit an application. The board is not able to legally make any comments without an application.

Executive Session: Discussion Regarding Personnel Matters

A motion was made at 8:48pm to enter executive session. Motion made by **Papazian** and seconded by **Tucker**.

At 8:55pm a motion was made to return to open session by **Pauch** and seconded by Committeeman **Pfefferle**.

A motion was made for a Resolution to authorize funds for the purpose of advertising for RFP for new Land Use Attorney by **Committeeman Pfefferle** and seconded by **Kimsey**. **All Ayes, No Nays.**

Fritsche opened a discussion for board members to look at the townships current zoning regarding setbacks for residents looking to add a garage or accessory shed. Current setback of 200 feet is causing an issue for residents and forcing the owner to only be able to use a small area for an accessory structure. The previous setback was always 75 feet previously and the 200 foot setback does not appear to be correct. **Pfefferle** believes calculation sheet is incorrect. Need to revisit setback code for owners. **Chair Rochelle** will call **Engineer Decker** to look at this calculation.

A motion to adjourn was made by **Committeeman Pfefferle** and seconded by **Tucker** at 10:02pm. **Vote: All Ayes. No Nays.**

Leigh Gronau, Board Secretary

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